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Notice of Allowability	Application No.	Applicant(s)	
	10/699,553	MORIMOTO ET AL.	
	Examiner	Art Unit	
	Hsien-ming Lee	2823	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/9/2005.
2. ☒ The allowed claim(s) is/are 5-8, 10-14 and 16-19.
3. ☒ The drawings filed on 31 October 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

HSIEN-MING LEE
PRIMARY EXAMINER
 Hsien-ming Lee
 Primary Examiner
 Art Unit: 2823

DETAILED ACTION

Remarks

1. The objection and 102(e) rejection have been withdrawn in response to applicant's amendment filed 3/9/2005.
2. Applicant's cancellation to claims 9 and 15 is acknowledged. Claims 1-4 are non-elected without traverse.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
4. The application has been amended as follows:
Cancel non-elected claims 1-4.

Allowable Subject Matter

5. Claims 5-8, 10-14 and 16-19 are allowed.
6. The following is an examiner's statement of reasons for allowance:
Cho et al. (US 2002/0041148) teach forming a plurality of laser portions 12 and 14 on a single substrate 11 (Fig. 5C), each of the laser portions 12 and 14 oscillating laser light of a different wavelength, i.e. the laser portion 12 oscillates a wave length of 635~780 nm, whereas, the laser portion 14 oscillates a wave length of 450~550 nm (paragraph [0062]), wherein the previously formed laser portion 12 (III-V compound) is formed by MOCVD or MBE (paragraph

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[0054]), whereas the subsequently formed laser portion 14 is formed by MBE or MOMBE (paragraph [0054]).

Cho et al. at least neither teach nor suggest that the laser portion previously formed contains p type dopant having *diffusion coefficient smaller than* that of p type dopant the laser portion subsequently formed; wherein the laser portion previously formed contains p type dopant of *beryllium* and laser portion subsequently formed contains p type dopant of *one of zinc, carbon or magnesium*.

In addition, applicant's assertion regarding the motivation for combining are persuasive.

Therefore, the instant invention is neither anticipated nor rendered obvious over the prior art of record.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hsien-ming Lee whose telephone number is 571-272-1863. The examiner can normally be reached on Tuesday-Thursday (8:00 ~ 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 571-272-1855. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 21, 2005

Hsien-ming Lee
Primary Examiner
Art Unit 2823

HSIEN-MING LEE
PRIMARY EXAMINER

4/21/2005